

**Appln No. 09/863,778**

**Reply to Office Action of April 8, 2005**

**REMARKS/ARGUMENTS**

***Summary of Examiner Interview***

Applicant's representatives David Bailey and John W. Peck would like to thank Examiner Alsomiri and the supervising Examiner for the opportunity to conduct an interview with them on May 27, 2005. The following summary set forth the areas of discussion and the agreement reached in that interview:

- The Examiners and Applicant discussed the publication to Vera L. Brudney and W. Luis Mochán (Optics Express, vol. 9(11), November 19, 2001, page 561) and the disagreement between that theoretical study and the publications (specification, page 4) and data (Figs. 3-8) presented by the Applicant concerning the transmission of superluminal group velocities.
- The Examiners and Applicant also discussed the Examiner's rejection concerning the frame-of-reference issue, and the related derivation of time and date information from the measure redshift direction. Applicant explained that planetary rotation causes the tunneling direction of the apparatus to continuously change position relative to the red shift of the cosmic microwave background radiation, which is itself independent of the Earth's motion.
- The Examiners agreed that recasting the claims to discuss only the structure of the inventive device without including the "theoretical" requirement that the transmitted wavepackets be superluminal would overcome the rejections under 35 U.S.C. §101.

***Rejection of claims 12, 14 - 16 and 18***

Claims 12, 14 - 16 and 18 were rejected under 35 U.S.C. §101. Although Applicant still asserts that the data set forth in the specification and Applicant's subsequent submissions in response to similar rejections under 35 U.S.C. §101 clearly demonstrate the superluminal transmission capabilities of invention, to speed prosecution of the application Applicant has removed all references to the claim

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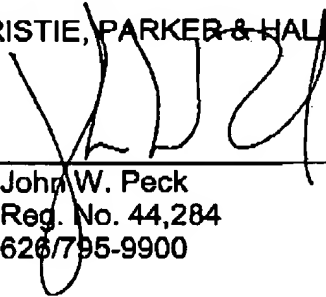
*requirement* that the wavepacket be transmitted at superluminal speeds as requested by the Examiner. This amendment is by no means to be construed as limiting the device to subluminal transmission speeds, rather, in light of the Examiner's concerns, Applicant has broadened the scope of the proposed claims to include any selective-transmission device capable of using wavepacket transmissions to measure the cosmic microwave background Doppler red shift direction.

**Conclusion**

Based upon the above amendments and the removal of the term "superluminal" from the subject claims, Applicant submits that the above referenced application is in condition for allowance. Therefore, Applicant respectfully requests the prompt issuance of a Notice of Allowance. If the Examiner wishes to discuss any of the matters outlined above, please do not hesitate to contact Applicant's attorneys at the number listed below.

Respectfully submitted,  
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